IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.172 OF 2006
IN

CRIMINAL WRIT PETITION NO.1937 OF 2005

Shri Akhil Swami ...Applicant

V/s.

State of Maharashtra & Anr. ...Respondents

None for Applicant.
Mr.Y.M. Nakhawa APP for State.
Mr.Laxman P. Kanal for Respondent No.2.

CORAM : V.M. KANADE, J.

DATED : 8th AUGUST, 2007.

P.C:-

1. None appears on behalf of the Applicant. Heard learned counsel for the Respondent No2.

2. This is an application for restoration of the Writ Petition which was dismissed for default by an order dated 2nd December, 2005. Learned counsel for the Respondent No.2 submitted that there was gross delay in filing this application. He submitted that the Trial had already begun and some of the witnesses had already been examined. He, therefore, opposes the application for condonation of delay and

restoration of the Writ Petition.

3. I have perused the application for restoration. No sufficient cause has been shown for condonation of delay in filing this application. Since the trial has already begun, even otherwise no fruitful purpose would be served in restoring the Writ Petition as the Writ Petition has become infructuous even otherwise by efflux of time. Application is, therefore, dismissed.

V.M. KANADE, J.